

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JONATHON AMINOFF, an individual, on behalf of
himself and all others similarly situated,

Plaintiff(s),

-against-

LEGAL ADVOCATES FOR IMMIGRATION, LLC, d/b/a
LAW OFFICES OF STEVE TANIJO, LLC, STEVE
TANIJO, ESQ., an individual, CENCOM, INC., and
JOHN AND JANE DOES NUMBERS 1 THROUGH 25,

Defendants.
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FEUERSTEIN, District Judge:

ORDER
11-CV-3451(SJF)(ARL)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y

★ JAN 03 2013 ★

LONG ISLAND OFFICE

Pending before the Court is the Report and Recommendation ("the Report") of Magistrate Judge Arlene R. Lindsay, dated November 26, 2012, recommending that the branch of the motion of defendant CenCom, Inc. ("CenCom") to dismiss the amended complaint against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be granted. No objections to the Report have been filed. For the reasons stated herein, the Court accepts Magistrate Judge Lindsay's Report in its entirety.

I. Standard of Review

Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See, Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See, Fed. R. Civ. P. 72(b); Spence v. Superintendent, Great Meadow Correctional Facility, 219 F.3d 162, 174 (2d Cir. 2000) (a court may review a report to which no timely objection has been interposed to determine whether the magistrate judge committed "plain error."). Whether or not

proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

II. Review of Report

No party has filed any objection to Magistrate Judge Lindsay's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Lindsay's Report as an Order of the Court.

III. Conclusion

Magistrate Judge Lindsay's Report is accepted in its entirety; the branch of CenCom's motion seeking dismissal of the amended complaint against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is granted; and the amended complaint is dismissed with prejudice as against CenCom for failure to state a claim for relief.

SO ORDERED.

s/ Sandra J. Feuerstein

Sandra J. Feuerstein
United States District Judge

Dated: January 8, 2013
Central Islip, New York